



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD, SUITE 310
DENVER, CO 80204-3582

REGION VIII
ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

April 6, 2017

President Nick Mansour
Arizona College
163 N. Dobson Road
Mesa, AZ 85201-6066

Re: Arizona College
OCR Case Number: 08-17-2017

Dear Mr. Mansour:

On October 20, 2016, we received a complaint alleging Arizona College (College) discriminated on the basis of disability. Specifically, the Complainant alleges that the College discriminated on the basis of disability when it failed to provide the Student with an academic adjustment related to her disability (XXX).

We initiated an investigation under the authority of Section 504 and its implementing regulation, at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability, in programs or activities that receive Federal financial assistance from the Department and, respectively, public entities. As a recipient of Federal financial assistance and a public entity, the College is subject to these laws and regulations.

During the investigation, we carefully reviewed documentation provided by the College and the Complainant, and rebuttal statements provided by both parties.

During the course of our investigation, we received information that the Complainant's individual allegation regarding an academic adjustment had been resolved by the College. However, upon review of the College's 504 policies and procedures, we discovered violations of Section 504. The reasons for our findings are below.

Findings of Fact and Analysis

In August 2016, the Complainant submitted documentation to the College regarding the Student's need for an academic adjustment related to her disability, in particular XXX and XXX in order to complete her degree. In January 2017, the College provided the Complainant with an academic adjustments letter which provided her with XXX, allowed her XXX, provided her XXX, and allowed for XXX. The Complainant subsequently XXX and received an A in the course. Accordingly, we determined that the complaint's individual allegation has been resolved.

The Complainant stated that although the academic adjustments have been provided, during this period the Complainant had difficulty understanding the College's academic adjustment policies and procedures and discussed the need for a more formal process. For example, the Complainant

and the Student often did not know who to deal with and how to contact them, when to expect a response regarding the Student's requests, and what the policies were if there was a disagreement.

Upon OCR's review of the College's policies and procedures, we noted several compliance concerns. Under 34 CFR §§ 104.7-104.8, a recipient shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any prohibited action. Furthermore, a recipient shall take appropriate initial and continuing steps to notify that it does not discriminate on the basis of disability and shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs or activities. The notification shall also include an identification of the responsible employee designated to coordinate its grievance procedures. Upon review of the College's policies, the College's grievance procedures do not incorporate appropriate due process standards as these do not address how to handle oral complaints, provide appropriate timelines, or discuss how to inform parties of the results of its grievance investigations; the College's nondiscrimination policy is inadequate because it only narrowly applies to admissions and not more broadly as the regulation requires; and the College does not adequately designate nor provide notice of its Section 504 coordinator's name and contact information as required.

Furthermore, under 34 CFR § 104.44, institutions of postsecondary education must provide appropriate academic adjustments based on students' disabilities and individual needs when necessary to avoid discrimination, and institutions may establish reasonable procedures for requesting academic adjustments, and students are responsible for knowing these procedures and following them. Upon review of the College's policies, however, the College does not adequately address how to provide an academic adjustment for students, like the Student, who have disabilities that require varying needs, and the College's academic adjustment procedures are unreasonable as these are inconsistent in terms of who to contact or who to submit accommodations requests to (one says the Dean of Nursing, another says Student Services, and a third says Disability Coordinator), nor do they provide the names of who to contact and their current contact information.

Accordingly, OCR finds the College's policies and procedures in violation of Section 504. In order to resolve these issues, the College has agreed to enter into an agreement to ensure compliance with Section 504.

Conclusion

We are pleased that the College voluntarily entered into the enclosed Resolution Agreement to address the compliance determinations that OCR made during this investigation. This concludes our investigation of this complaint. OCR will monitor the College's implementation of the Resolution Agreement until it is determined to be fully implemented. OCR has notified the Complainant that the College has entered into this Agreement, and we provided the Complainant a copy of the Agreement. We will also keep the Complainant apprised of monitoring activities related to this case.

This letter addresses only the issues raised in this complaint and should not be interpreted as a determination of the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The Student may have the right to file a private suit in federal court regardless of whether OCR finds a violation.

Please be advised that the College may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which if released could reasonably be expected to constitute an unwarranted invasion of personal privacy.

We thank the College for its cooperation in this matter. If you have any questions, please contact XXX at XXX or by email at XXX.

Sincerely,

/s/

XXX

Supervisory General Attorney

cc: XXX, XXX, Arizona College